

HOUSE BILL 593

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2003 Regular Session  
3r1345  
CF 3r1024

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By: **Delegates Petzold, Barkley, Barve, Benson, Bobo, Boschert, Bronrott, Cadden, Carter, V. Clagett, Conroy, Cryor, Doory, Dumais, Eckardt, Elliott, Feldman, Frush, Gaines, Goldwater, Gutierrez, Healey, Heller, Howard, Hubbard, Hurson, Hutchins, Jameson, Jones, Kaiser, King, Kirk, Love, Madaleno, Mandel, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Parker, Pendergrass, Proctor, Quinter, Ross, Rudolph, Shank, Simmons, Sophocleus, Stern, Taylor, F. Turner, V. Turner, and Zirkin**

Introduced and read first time: February 6, 2003  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Stalking - Included Acts**

3 FOR the purpose of repealing a certain intent element in the crime of stalking;  
4 modifying a certain defined term; requiring that a certain person know or  
5 reasonably should have known that certain conduct would place another in  
6 reasonable fear of serious bodily injury, death, or of certain offenses being  
7 committed under certain circumstances, or that a third person is likely to suffer  
8 serious bodily injury, death, or certain offenses; establishing that the crime of  
9 stalking is a felony; giving the District Court and circuit court concurrent  
10 jurisdiction to try stalking cases; and generally relating to the definition of the  
11 crime of stalking.

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 3-802  
15 Annotated Code of Maryland  
16 (2002 Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Courts and Judicial Proceedings  
19 Section 4-301(b)(17) and (18) and 4-302(d)(1)  
20 Annotated Code of Maryland  
21 (2002 Replacement Volume)

22 BY adding to  
23 Article - Courts and Judicial Proceedings  
24 Section 4-301(b)(19)

1 Annotated Code of Maryland  
2 (2002 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Criminal Law**

6 3-802.

7 (a) In this section, "stalking" means a malicious course of conduct that  
8 includes approaching or pursuing another [with the intent to place that individual]  
9 WHERE THE PERSON KNOWS OR REASONABLY SHOULD HAVE KNOWN THE CONDUCT  
10 WOULD PLACE ANOTHER in reasonable fear OF:

11 (1) (I) [of] serious bodily [injury] HARM;

12 (II) AN ASSAULT IN ANY DEGREE;

13 (III) RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH  
14 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;

15 (IV) FALSE IMPRISONMENT; or

16 (V) death; or

17 (2) that a third person likely will suffer [serious bodily injury or death]  
18 ANY OF THE ACTS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

19 (b) A person may not engage in stalking.

20 (c) A person who violates this section is guilty of a [misdemeanor] FELONY  
21 and on conviction is subject to imprisonment not exceeding 5 years or a fine not  
22 exceeding \$5,000 or both.

23 (d) A sentence imposed under this section may be separate from and  
24 consecutive to or concurrent with a sentence for any other crime based on the acts  
25 establishing a violation of this section.

26 **Article - Courts and Judicial Proceedings**

27 4-301.

28 (b) Except as provided in § 4-302 of this subtitle, the District Court also has  
29 exclusive original jurisdiction in a criminal case in which a person at least 18 years  
30 old or a corporation is charged with:

31 (17) Violation of § 20-102 of the Transportation Article, whether a felony  
32 or misdemeanor; [or]

1 (18) Violation of § 8-801 of the Criminal Law Article; OR

2 (19) VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

3 4-302.

4 (d) (1) Except as provided in paragraph (2) of this subsection, the  
5 jurisdiction of the District Court is concurrent with that of the circuit court in a  
6 criminal case:

7 (i) In which the penalty may be confinement for 3 years or more or  
8 a fine of \$2,500 or more; or

9 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
10 (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect October 1, 2003.